

CLAY COUNTY, MINNESOTA

ORDINANCE NO. 2017- /

**AN ORDINANCE OF THE COUNTY OF CLAY, STATE OF MINNESOTA AMENDING
THE CLAY COUNTY CODE, TITLE 8, CHAPTER 5-F, USE TABLE 5-1, AND
URBANIZED AREA MAP ESTABLISHING TWO TIERS TO THE CLAY COUNTY
URBAN EXPANSION DISTRICT**

WHEREAS, the County of Clay, State of Minnesota (“County”) is a statutory County duly organized and existing under Article XII of the Minnesota Constitution; and

WHEREAS, pursuant to Minnesota Statute Chapter 394 and specifically § 394.21, the County has the power and authority to conduct and implement planning activities; and

WHEREAS, the County has, by ordinance, and pursuant to Minnesota Statute Chapter 394, adopted Title 8 of the Clay County Code regarding land use, zoning and development (“Development Code”);

WHEREAS, the County has undertaken a process to amend the Development Code provisions related to areas in Clay County which have been identified to be primary areas for future urban growth (Urban Expansion District) and to establish two tiers of zoning controls related to those areas;

WHEREAS, the County hereby finds and determines that the proposed two-tier Urban Expansion Zoning District is appropriate and necessary to the function and efficient operation of the County and to ensure the health, safety, morals, and general welfare of the County.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY
OF CLAY, STATE OF MINNESOTA HEREBY ORDAINS AS FOLLOWS:**

Section 1. Adopt the Development Code Amendments set forth within Exhibits A, B, and C to Title 8 of the Clay County Code. The County Hereby adopts the proposed amendments, attached hereto and incorporated herein as Exhibits A, B, and C.

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage, consistent with Minnesota Statute § 375.51.

ADOPTED BY THE CLAY COUNTY BOARD OF COMMISSIONERS

This 7th day of February, 2017.



KEVIN CAMPBELL, CLAY COUNTY BOARD OF COMMISSIONERS

ATTEST: Brian Berg
BRIAN BERG, CLAY COUNTY ADMINISTRATOR

EXHIBIT A

ARTICLE F. URBAN EXPANSION DISTRICT (UED)

8-5F-1: PURPOSE

8-5F-2: PERMITTED, CONDITIONAL AND ACCESSORY USES

8-5F-3: DENSITY AND DIMENSIONAL STANDARDS IN UED DISTRICTS

8-5F-4: ADDITIONAL REQUIREMENTS IN UED DISTRICTS

8-5F-1: PURPOSE:

The purpose of the UED Urban Expansion District is to implement the following goals and polices of the Clay County 2002 Comprehensive Plan:

- A. **Land Use Goal #1:** Establish a comprehensive growth management strategy for Clay County that promotes orderly and efficient growth of residential, commercial and industrial development while preserving the County's rural character.
 1. **Policy 1.** Work with cities and townships within Clay County to identify Planned Urban Growth Areas that have the potential to be served with an appropriate range of public services in a cost effective manner within which efficient and orderly growth can be facilitated over the next 20 years.
 2. **Policy 5.** Discourage development from occurring at unsewered urban densities outside of cities until urban services can be provided in an orderly and efficient manner.
- B. **Land Use Goal #3:** Plan for orderly and efficient growth of residential development in the County.
 1. **Policy 1.** Encourage residential growth to occur in an orderly and compact manner in and around cities within the Planned Urban Growth Areas so that new developments can be effectively served by public utilities and the character and quality of the County's agricultural areas can be maintained and enhanced.
 2. **Policy 2.** Require urban overlay plats to be filed along with large-lot subdivisions within the Planned Urban Growth Areas.

8-5F-1.5: COMPOSITION OF THE UED URBAN EXPANSION DISTRICT

The UED Urban Expansion District is comprised of two (2) tiers, Tier 1 and Tier 2. UED Tier 1 encompasses the primary growth areas as determined by the Cities of Moorhead and Dilworth. UED Tier 2 encompasses the remainder of the areas located within the UED boundary.

8-5F-2: PERMITTED, CONDITIONAL AND ACCESSORY USES

Permitted, conditional and accessory uses in **Tier 1 and Tier 2** of the UED Urban Expansion District are those specified in Table 5-1. All other uses shall be prohibited.

8-5F-3: DIMENSIONAL STANDARDS IN UED DISTRICTS

The following dimensional standards shall apply to structures and uses in **Tier 1 and Tier 2 of the** UED Urban Expansion District:

- A. **Maximum Density:** The maximum density in **Tier 1 and Tier 2 of the** UED Urban Expansion District shall be one (1) dwelling per one acre.

B. **Minimum Lot Size:** The minimum lot size is one (1) acre or which twenty thousand (20,000) square feet, exclusive of road frontage right-of-way, shall be above the base flood elevation (100 year).

C. **Urban Overlay Plat:** All development in Tier 1 and Tier 2 of the ~~an~~ UED Urban Expansion District on parcels meeting the density and minimum lot size requirements in A., and B., above, shall be platted in conventional urban sized lots utilizing an urban overlay plat. Urban overlay plats shall conform to the following standards:

1. **Location of Allowed Structures and Septic:** The allowed principal and all accessory structures shall be located on one of the platted lots. If necessary due to physical site limitations or soil conditions, on-site sewage treatment systems may be located on a platted lot adjacent to the lot where structures are located.
2. **Overlay Lots Not Buildable:** Overlay platted lots shall not be considered buildable lots and zoning certificates shall be withheld until such time as public sewer and water are made available.
3. **Urban Overlay Lot Dimensional Standards:** The urban overlay lots shall conform to the following dimensional standards, including setbacks, depending on the location of the lot within the UED:
 - a. **Within Tier 1 a Planned Growth Area:** If the area where an urban overlay plat is proposed lies within any city's adopted growth area plan, the urban overlay plat shall conform to the growth area plan and all applicable policies and ordinances of the city.
 - b. **Within Tier 2 Outside of a Planned Growth Area:** If the area where an urban overlay plat is proposed does not lie within an area covered by a growth area plan, the urban overlay plat shall conform to the standards of the City of Moorhead's RLD-1, Residential Low Density –1 District or the City of Dilworth's residential zoning district nearest in distance to the proposed development. Proposed urban overlay plats that lie in an area that has the potential to be annexed into either the City of Moorhead or the City of Dilworth shall conform to the standards that would result in the highest density.

8-5F-4: ADDITIONAL REQUIREMENTS IN UED DISTRICTS

- A. **Community Septic Systems Allowed:** Community septic systems shall be allowed to serve development in both Tier 1 and Tier 2 of the UED.
- B. **Development Agreements Required:** A development agreement shall be required as part of the approval of an urban overlay plat. The development agreement shall include the following minimum terms:
 1. Conditions of subdivision approval
 2. Description of growth area plans, if any
 3. Anticipated date of provision of urban services
 4. Responsibility of landowner for payment for future services

Clay County Development Code
Zoning Districts – Chapter 5

Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District

Use Type	Std	FW	FF	GFP	SP	LD	SP	RD	RP-WHP	RP-BIO	RP-AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC
A. Agricultural and Related Uses																	
Commercial agriculture including the accessory raising of less than fifty (50) animal units of livestock or poultry and their associated manure storage areas	FW SL	P			P	P	P	P	P	P	P	P	P	P	P	P	P
Farm buildings not used as dwellings					P	P	P	P	P	P	P	P	P	P	P	P	P
Farm drainage and irrigation systems																	
Forest management	FW	P			P	P	P	P	P	P	P	P	P	P	P	P	P
Animal feedlots or poultry lots of 50 or more than fifty (50) animal units of livestock or poultry and less than five hundred (500) animal units	SL S				C												
Animal feedlots or poultry lots of five hundred (500) or more animal units	SL S																
B. Residential and Related Uses																	
Single-family dwelling							P	P	P	P	P	P	P	P	P	P	P
Two-family dwelling (in cluster or subdivision only)	S																P
Bed and Breakfast in primary residence	S							I	I	I	I	I	I	I	I	I	I
Controlled access lot	SL						P	P	P	P	P	P	P	P	P	P	P
Day care in a primary residence, adult or child	S						P	P	P	P	P	P	P	P	P	P	P
Facility for supervised residential program up to six residents	S						P	P	P	P	P	P	P	P	P	P	P
Facility for supervised residential program with more than six residents	S															C	C
Second dwelling on the parcel to be used by parent(s), grandparent(s), children, sibling(s) by blood, marriage, adoption, or other special relationships.	S												I	I	I	I	I
Use Type																	
Std	FW	FF	GFP	SP	LD	SP	RD	RP-WHP	RP-BIO	RP-AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC	

Exhibit B

Clay County Development Code
Zoning Districts – Chapter 5

Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District

Use Type	Std	FW	FF	GFP	SP	LD	SP	RD	RP-WHP	RP-BIO	RP-AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC
C. Recreational Uses, Public and Private																	
Campground	F	W	S	C			C	C				C			C	C	
Golf course or driving range	F	W										C			C	C	
Marinas and boat rentals	F	W	C				C										
Park	F	W	P				P	C	C	C		P	P	P	P	P	
Picnic ground	F	W	P				P			C	C				C		
Hunting or game reserve	F	W	P				P		P			P	P				
Outdoor Shooting preserve, shooting range, archery range	F	W	S	P			P					C	C				
Indoor shooting range, archery range	F	W	P				P	P	P	C		C	C				
Trails, motorized and non-motorized	F	W	P				P	P	P	P		P	P				
Wildlife and nature preserve	F	W	P				P	P	P	P		P	P		P	P	
Occasional special event or short-term use			1				1	1	1	1		1	1	1	1	1	1
Use Type	Std	FW	FF	GFP	SP	LD	SP	RD	RP-WHP	RP-BIO	RP-AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC
D. Civic, Educational and Institutional Uses																	
Cemetery												C	C	C	C	C	C
Designated historic site	F	W	P				P	C	C	C	C	C	C	C	C	C	C
Government buildings and facilities									P			C	C	P	P	P	P
Religious institutions w/o schools or residences							C	C	C			C	P	P	P	P	
Schools, public or private												C	C	C	P		
Use Type	Std	FW	FF	GFP	SP	LD	SP	RD	RP-WHP	RP-BIO	RP-AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC
E. Commercial and Industrial Uses																	
Adult entertainment uses	S															C	C
Agricultural service establishments	S											C	P			C	
Airport, private	S											C	C				
Asphalt batch plant and uses associated with such facilities	S											1	1			1	

Clay County Development Code
Zoning Districts – Chapter 5

Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District

Use Type	Std	FW	FF	GFP	SP	LD	RD	RP-WHP	RP-BIO	RP-AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC	
Automobile and truck service facility including sleeping facilities for truck operators																P	C
Automobile, truck, trailer, and garden and farm equipment sales																P	C
Bar or cocktail lounge, dance hall or nightclub																P	C
Bowling alley, pool hall or billiard parlor																P	C
Building material sales yard	S															P	C
Extractive uses including aggregate and peat mining	S																
Farm produce stand / farmers' market								I	I	I	I	I	I	I	I	I	I
Kennels	S							I	I	I	I	I	I	I	I	I	I
Landscape, nursery and garden store													P	P	P	P	C
Motel or motor hotel													C	C	P	P	C
Motor fuel station													C	C	P	P	
Motor sports facilities													C	C	C	C	
Occasional, special event or short-term use ??																	
Office													P	P	P	P	C
Outdoor recreation facilities – non-motorized	FW	C											C	P	P	P	C
Ready-mix cement plant and uses associated with such facilities		S											I	I	I	I	
Restaurants, with or without drive-in													C	C	P	P	C
Retail or commercial business													C	C	C	C	
Retreat Center	S												C	C	C	C	
Salvage yards	S												C	C	C	C	
Service business													P	P	P	P	C
Temporary tire and/or waste collection and/or recycling operations													I	I	I	I	
Wholesale business, <u>and warehousing, and storage units</u>		S											C	P	C	P	C

Clay County Development Code
Zoning Districts – Chapter 5

Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District

Use Type	Std	FW	FF	GFP	SP LD	SP RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC
F. Public Service and Utility Uses															
Essential services	G							C	C	C	C	C	C	C	C
Landfill, public								P							
Landfill, demolition wastes only	S							C							
Communication or other towers								C	C	C	C	C	C	C	C
Meteorological towers															
Radio and television transmission tower, including station office and studio								C	C	C	C	C	C	C	C
Railroad, street, bridge, utility transmission line, or pipeline	FW	C			P	P		P	P	P	P	P	P	P	P
Towers exclusively for governmental or national defense purposes	FW S	C			C	C		C	C	C	C	C	C	C	C
Use Type	Std	FW	FF	GFP	SP LD	SP RD	RP- WHP	RP- BIO	RP- AGG	AG	ASC	UED (T1)	UED (T2)	HC	LHC
G. Structures and Uses Accessory to Principal Uses															
Aboveground storage of petroleum products intended for direct use by a permitted activity (i.e., fuel oil for heating) (1100 gal limit in AG District)		FW S			P	P	P	P	P	P	P	P	P	P	C
Automobiles, storage of	S	P						P	P	P	P	P	P	P	P
Energy systems associated with a principal use (i.e. solar collectors/wind energy systems)	S							P	P	P	P	P	P	P	P
Farm stand, seasonal ag product sales	S							P	P	P	P	P	P	P	P
Garage, private	FW	P						P	P	P	P	P	P	P	P
Home occupation, Permitted	G							P	P	P	P	P	P	P	P
Home occupation, Conditional	G							1	1	1	1	1	1	1	1
Keeping Animals on Residential Parcels	S	P						P	P	P	P	P	P	P	P
Horse Boarding / Stables								1	1	1	1	1	1	1	1
Parking and loading areas	FW G	P						P	P	P	P	P	P	P	P
Placement of fill	FW SL S	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Playhouses					P	P	P	P	P	P	P	P	P	P	P

Uses are allowed in the base district –
See Flood Fringe District for standards

Uses are those allowed in the base district –
See Flood Fringe District for standards

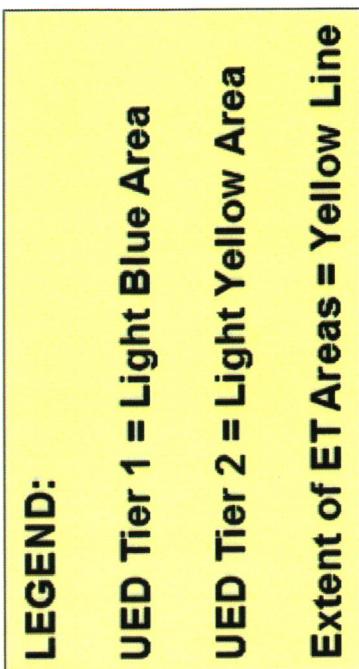
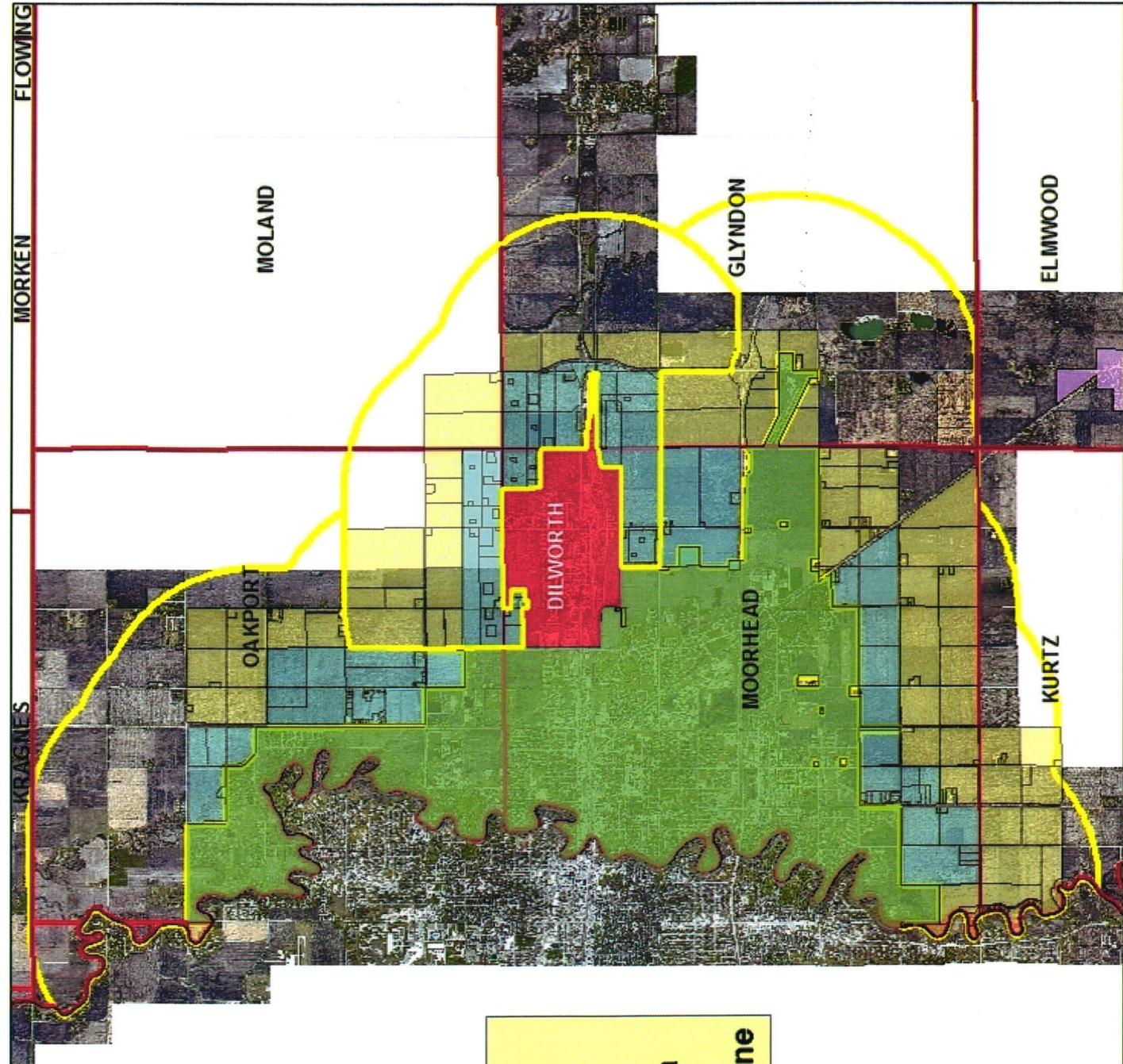
Table 5-1 Permitted, Conditional, Interim and Accessory Uses Allowed in Each Zoning District

FLOWING

MORKEN

KRAGNES

EXHIBIT C



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Map produced by:
Cray County Planning & Environmental Programs
807 N 11th Street
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